

PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/757,077
Applicant: Steward, L.E., et al.
Confirmation No.: 5352
Filed: January 14, 2004

Group Art Unit: 1649
Examiner: Hayes, R.C.

Docket No.: 17355CIP3 (BOT)
Customer No.: 51957
Patent Title: Clostridial Neurotoxin
Compositions and Modified Clostridial
Neurotoxins

FILED ELECTRONICALLY

**TERMINAL DISCLAIMER
TO OBLVIADE A DOUBLE PATENTING REJECTION
OVER A U.S. PATENT**

May 19, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

As owner of 100 percent interest of present U.S. Patent Application No. 10/757,077, Allergan, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of prior patent No. 6,903,187, as the term of said prior patent is defined in 35 U.S.C. §§ 154-156 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. Allergan, Inc. hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and said prior patent are

commonly owned. This disclaimer runs with any patent granted on the present application and is binding upon Allergan, Inc., its successors or assigns.

In making the above disclaimer, Allergan, Inc. does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154-156 and 173, of said prior patent, as presently shortened by any terminal disclaimer, in the event that said prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please use Deposit Account 01-0885 for the payment of any fees due in connection with the current response.

Respectfully submitted,

/Dean G. Stathakis/

Dean G. Stathakis, Ph.D.
Registration No. 54,465
Agent of Record

 **ALLERGAN**
LEGAL DEPARTMENT
2525 Dupont Drive
Irvine, California 92612-1599
Tel: 714/246-6521
Fax: 714/246-4249